

HB 3044 STAFF MEASURE SUMMARY

House Committee On Natural Resources

Prepared By: Kailey Kornhauser, LPRO Analyst

Meeting Dates: 3/26

WHAT THE MEASURE DOES:

Defines "aircraft." Requires a person who applies a soil treatment or pesticide by aircraft to record flight conditions during application including: latitude and longitude as established by a global positioning system, air speed, aircraft directional information, altitude, wind speed, wind direction, temperature, time throughout the flight, and any information required by the Department of Environmental Quality (DEQ). Requires record to show name and address of business and name of individual making application; dates and beginning and end times of the application; boundaries of property where area targeted for application is located; product name, if any, of soil treatment or pesticide including any registration number issued by U.S. Environmental Protection Agency (U.S. EPA) or Oregon Department of Agriculture (ODA). For an application of a pesticide, requires record to show the pesticide operator license number for the business and the pesticide applicator or public applicator license or private applicator certificate number and the aerial pesticide applicator certificate number of the individual. For an application of a named product, requires record to show active ingredients and quantity of substance applied, including any carrier substance, and concentration of soil treatment or pesticide in substance applied.

Requires business or individual to submit information to DEQ no later than seven days after end of application. Requires DEQ to post information on website no later than 14 days after information is received. Requires DEQ to send notice to address of each affected property if determined that soil treatment or pesticide drifted beyond property where area for application is located no later than 14 days after information is received. Authorizes DEQ to assess civil penalty, not to exceed \$50,000, against a business or individual that: fails to keep complete record of required information; falsifies any required information; fails to timely send required application information to DEQ; or carries out an application that drifts beyond the boundaries of the property where area targeted for application is located. Applies to soil treatment or pesticide applications that begin on or after the effective date of Act.

Fiscal: May have fiscal impact, no statement yet issued

Revenue: May have revenue impact, no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Current Oregon law requires pesticide operators to prepare and maintain records on forms approve by the Oregon Department of Agriculture (ODA) related to the application of pesticides (Chapter 341, Oregon law 1973). These records are kept for at least three years from the date of pesticide application and must be available for review and inspection by ODA. Upon receiving a request from any owner of field crops on which pesticides were applied, the pesticide operator must provide a written statement to the owner setting forth the required information within 40 days after the application of pesticides.

House Bill 3044 would require a business or individual applying a soil treatment or pesticide by aircraft to record information regarding the application conditions, submit the information to the Department of Environmental

HB 3044 STAFF MEASURE SUMMARY

Quality (DEQ) The measure would require DEQ to post the information on its website; notify affected properties if soil treatment or pesticide drifts beyond targeted property; and authorize DEQ to assess a civil penalty for failure to record information, falsifying, or failing to timely submit information, or if an application drifts beyond targeted property.

PRELIMINARY